

EDMUND G. BROWN JR., Attorney General
of the State of California
STEVEN V. ADLER
Supervising Deputy Attorney General
DOUGLAS LEE, State Bar No. 222806
Deputy Attorney General
California Department of Justice
110 West "A" Street, Suite 1100
San Diego, CA 92101

P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 645-2580
Facsimile: (619) 645-2061

Attorneys for Complainant

**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

ALFRED JOSEPH CONDOR HORA, R.C.P.
638 Taca Court
Riverside, CA 92507

Respiratory Care Practitioner License No. 28401

Respondent.

Case No. 1H-2009-062

OAH No.

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties in this proceeding that the following matters are true:

PARTIES

1. Stephanie Nunez (Complainant) is the Executive Officer of the Respiratory Care Board of California. She brought this action solely in her official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Douglas Lee, Deputy Attorney General.

2. ALFRED JOSEPH CONDOR HORA, R.C.P. (Respondent) is represented by David McKenna, Esq., whose address is 3880 Lemon Avenue, 5th Floor, Riverside, California 92501.

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3. On or about January 30, 2009, the Respiratory Care Board of California issued Respiratory Care Practitioner License No. 28401 to ALFRED JOSEPH CONDOR HORA, R.C.P. (Respondent). The License will expire on April 30, 2010, unless renewed.

JURISDICTION

4. Accusation No. 1H-2009-062 was filed before the Respiratory Care Board (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on March 6, 2009. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 1H-2009-062 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 1H-2009-062. Respondent also has carefully read, and fully understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 CULPABILITY

2 8. Respondent understands and agrees that the charges and allegations in
3 Accusation No. 1H-2009-062, if proven at a hearing, constitute cause for imposing discipline
4 upon his Respiratory Care Practitioner's License.

5 9. For the purpose of resolving the Accusation without the expense and
6 uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could
7 establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up
8 his right to contest those charges.

9 10. Respondent understands that by signing this stipulation he enables the
10 Board to issue an order accepting the surrender of his Respiratory Care Practitioner's License
11 without further process.

12 RESERVATION

13 11. The admissions made by Respondent herein are only for the purposes of
14 this, or any other, proceeding in which the Board is involved, and shall not be admissible in any
15 other criminal or civil proceeding.

16 CONTINGENCY

17 12. This stipulation shall be subject to approval by the Respiratory Care
18 Board. Respondent understands and agrees that counsel for Complainant and the staff of the
19 Respiratory Care Board of California may communicate directly with the Board regarding this
20 stipulation and surrender, without notice to or participation by Respondent. By signing the
21 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
22 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
23 to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary
24 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
25 action between the parties, and the Board shall not be disqualified from further action by having
26 considered this matter.

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14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

IT IS HEREBY ORDERED that Respiratory Care Practitioner's License No. 28401, issued to Respondent ALFRED JOSEPH CONDOR HORA, R.C.P., is surrendered and the surrender is accepted by the Respiratory Care Board.

16. Respondent shall lose all rights and privileges as a Respiratory Care Practitioner in California as of the effective date of the Board's Decision and Order.

18. Respondent fully understands and agrees that if he ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement in the State of California. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 1H-2009-062 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

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1 19. Should Respondent ever apply or reapply for a new license or certification,
2 or petition for reinstatement of a license, by any other health care licensing agency in the State of
3 California, all of the charges and allegations contained in Accusation, No. 1H-2009-062 shall be
4 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
5 Issues or any other proceeding seeking to deny or restrict licensure.

6 20. Respondent shall pay the Board its costs of investigation and enforcement
7 in the amount of \$1500.00 prior to application for a new or reinstated license.

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Respiratory Care License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Respiratory Care Board.

DATED: March 6, 2009.

Original signed by: _____
ALFRED JOSEPH CONDOR HORA, R.C.P.
Respondent

I have read and fully discussed with Respondent ALFRED JOSEPH CONDOR HORA, R.C.P., the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: March 6, 2009.

Original signed by: _____
DAVID MCKENNA
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Respiratory Care Board of the Department of Consumer Affairs.

DATED: March 6, 2009

EDMUND G. BROWN JR., Attorney General
of the State of California

STEVEN V. ADLER
Supervising Deputy Attorney General

Original signed by: _____
DOUGLAS LEE
Deputy Attorney General

Attorneys for Complainant

**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

ALFRED JOSEPH CONDOR HORA, R.C.P.
638 Taca Court
Riverside, CA 92507

Respiratory Care Practitioner's License
No. 28401

Respondent.

Case No. 1H-2009-062

OAH No.

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Respiratory Care Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on April 3, 2009.

It is so ORDERED March 24, 2009.

Original signed by:

LARRY L. RENNER, BS, RRT, RCP, RPFT
PRESIDENT, RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA